

04-R-1683


Entered - 11/21/02 - sb
CL02L0828 - DIANNE C. MITCHELL

CLAIM OF: **BROOKWOOD PARK CONDOMINIUM
ASSOCIATION, INC.,**
Through its attorney,
Marilyn M. Ratzel
One Alliance Center, 4th Floor
3500 Lenox Road
Atlanta, Georgia 30326

For damages alleged to have been sustained as a result of
the overflow of Tanyard Creek on September 21, 2002 at
130 26th Street, NW.

THIS ADVERSED REPORT IS APPROVED

BY: _____

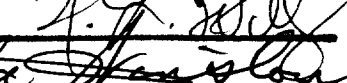
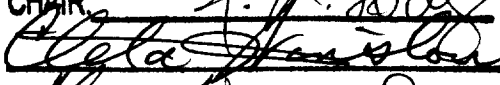
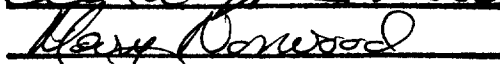
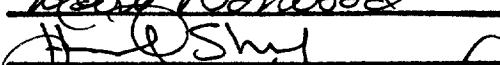
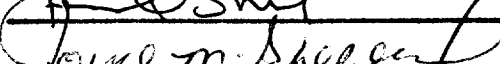

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

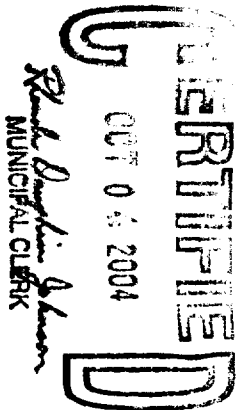
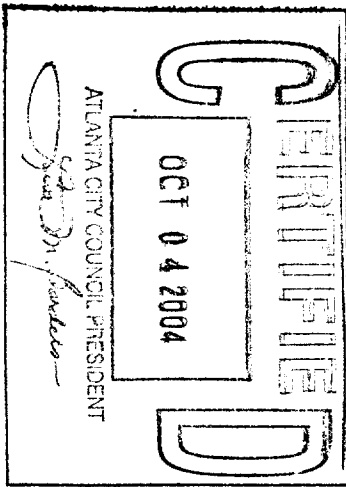
LEGAL ADMINISTRATION COMMITTEE

DATE: 9/25/04

CHAIR: 





ADVERSED BY
CITY CLERK

OCT 1 2004





**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

October 8, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30303
(404) 330-6033
FAX (404) 658-6273

Marilyn M. Ratzel
Attorney at Law
One Alliance Center / 4th Floor
3500 Lenox Road
Atlanta, GA 30326

04-R-1683

**RE: Brookwood Park Condominium
Association, Inc.**

Dear Attorney Ratzel:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on October 04, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0828

Date: September 16, 2004

Claimant /Victim **BROOKWOOD PARK CONDOMINIUM ASSOCIATION**

BY: (Atty) Marilyn M. Ratzel _____

BY: (Atty) Marilyn M. Ratzer
Address: One Alliance Center, 4th Floor, 3500 Lenox Road, Atlanta, Georgia 30326

Subrogation: _____ Claim for Property damage \$ Not Stated Bodily Injury \$ _____

Date of Notice: 11/14/02 Method: Written, proper X Improper Y

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/21/02 Place: 130 26th Street, NW

Department Watershed Management Division: Waste Water

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges its property was damaged due to the overflow of Tanyard Creek. The investigation determined that the cause of the overflow was due to a heavy volume of rainfall. There was no evidence of any problems with the creek prior to the event causing claimant's alleged damages. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Statements: City employee _____ Claimant _____ Other _____
 Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

Improper Notice _____ More than six months _____
City not involved _____ Offer rejected _____ Compromise settlement _____

City not involved _____ Claim rejected _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claim Abandoned _____

Repair/Replacement by Ins. Co. _____ Repair/Replacement by City _____
 Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse ☒ Account charged: 1A01 2J01 2H01 2P01

Claims Manager: [Signature] Concur/date 09/16/04

Claims Manager: _____ Committee Action: _____
Committee Action: _____ Council Action: _____

RCS# 6083
10/04/04
1:58 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PGS 6-20 EXCEPT 04-O-1587 1588
 1589 1591 1592 1252 1254
 ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	B Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		10-04-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1418	38. 04-R-1683	60. 04-R-1705
2. 04-O-1441	39. 04-R-1684	61. 04-R-1706
3. 04-O-1565	40. 04-R-1685	62. 04-R-1707
4. 04-O-1567	41. 04-R-1686	63. 04-R-1708
5. 04-O-0438	42. 04-R-1687	64. 04-R-1709
6. 04-O-1507	43. 04-R-1688	65. 04-R-1710
7. 04-O-1559	44. 04-R-1689	66. 04-R-1711
8. 04-O-1572	45. 04-R-1690	67. 04-R-1712
9. 04-O-1582	46. 04-R-1691	68. 04-R-1713
10. 04-O-1728	47. 04-R-1692	69. 04-R-1714
11. 04-O-1732	48. 04-R-1693	70. 04-R-1715
12. 04-R-1655	49. 04-R-1694	71. 04-R-1716
13. 04-R-1421	50. 04-R-1695	72. 04-R-1717
14. 04-R-1668	51. 04-R-1696	
15. 04-R-1719	52. 04-R-1697	
16. 04-R-1487	53. 04-R-1698	
17. 04-R-1624	54. 04-R-1699	
18. 04-R-1673	55. 04-R-1700	
19. 04-R-1674	56. 04-R-1701	
20. 04-R-1675	57. 04-R-1702	
21. 04-R-1491	58. 04-R-1703	
22. 04-R-1659	59. 04-R-1704	
23. 04-R-1660		
24. 04-R-1661		
25. 04-R-1662		
26. 04-R-1663		
27. 04-R-1664		
28. 04-R-1665		
29. 04-R-1613		
30. 04-R-1676		
31. 04-R-1677		
32. 04-R-1678		
33. 04-R-1679		
34. 04-R-1680		
35. 04-R-1681		
36. 04-R-1682		
37. 04-R-1718		